



# 10/13/2002  
11/5/02  
hu

PATENT  
Customer No. 22,852  
Attorney Docket No. 08048.0018-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Jean-Louis H. GUERET ) Group Art Unit: 3751  
 )  
Application No.: 09/986,021 ) Examiner: K. Prunner  
 )  
Filed: November 7, 2001 )  
 )  
For: PRODUCT APPLICATION )  
 )  
DEVICE INCLUDING A DIP TUBE )

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**RESPONSE TO OFFICE ACTION DATED OCTOBER 15, 2002**

In an Office Action dated October 15, 2002, the Examiner required an election of species under 35 U.S.C. § 121 among the following alleged distinct species of a "packaging/applicator device":

- (I) Fig. 1;
- (II) Fig. 7;
- (III) Fig. 8;
- (IV) Fig. 10;
- (V) Fig. 11; and
- (VI) Figs. 13 and 14.

RECEIVED  
NOV - 4 2002  
TECHNOLOGY CENTER 3700

The Examiner further required an election of species under 35 U.S.C. § 121 among the following alleged distinct species of an "applicator device":

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

- (I) Fig. 1;
- (II) Fig. 2;
- (III) Fig. 3;
- (IV) Fig. 4;
- (V) Fig. 5;
- (VI) Fig. 6;
- (VII) Fig. 9; and
- (VIII) Fig. 12.

Although Applicant does not necessarily agree with the Examiner's apparent characterizations concerning various exemplary embodiments, Applicant provisionally elects to prosecute Species III, Fig. 8 of the first election of species requirement and Species VII of Fig. 9 of the second requirement. Applicant respectfully submits that at least claims 1-6, 8, 9, 11-14, 16, 23-42, 48-60, 63-69, 71-73, 79 and 80 are "readable" on elected Species III of Fig. 8 and Species VII of Fig. 9.

Contrary to the Examiner's indication that no claims are generic, Applicant respectfully submits that at least independent claims 1 and 50 are generic to all of the identified species. Applicant respectfully notes that upon allowance of a generic claim, all of the claims depending from or otherwise containing all of the limitations of such claim should be rejoined and entitled to consideration.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2002

By: 

Anthony M. Gutowski  
Reg. No. 38,742

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)